

NO. 22850

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

GREGORY PRENTICE BARNETT, Defendant-Appellant

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 92-0196(2))

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of Defendant-Appellant Gregory Barnett's motion for reconsideration filed November 13, 2000, the papers in support and the record and files herein, it appears that: (1) this court entered a Summary Disposition Order affirming the September 7, 1999 order denying appellant's Rule 35 motion on October 26, 2000; (2) pursuant to Rule 40(a) of the Hawai'i Rules of Appellant Procedure, any motion for reconsideration or any motion for extension of time to file a motion for reconsideration was due within 10 days or November 6, 2000; and (3) appellant filed a motion for special leave for additional time to file for reconsideration on November 8, 2000 and the motion was denied. Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration filed on November 13, 2000 is denied as untimely.

DATED: Honolulu, Hawai'i, November 29, 2000.